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EXAMINER

NGUYEN, THUY-VI THI

ART UNIT	PAPER NUMBER
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3689

NOTIFICATION DATE	DELIVERY MODE
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02/25/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/678,464	BRESNIKER ET AL.	
	Examiner	Art Unit	
	THUY VI NGUYEN	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is response to the applicant's communication filed on 12/01/08, wherein:

Claims 1-20 are currently pending;

Claims 1, 8, and 17 have been amended;

On 12/01/08, the amended claims are as followed:

1. (Currently amended) A rack equipment management information coordination method comprising:

a) formulating a rack equipment management plan, wherein said rack equipment management plan is a plan for managing rack equipment operating characteristic while said rack equipment is in operation

b) automatically detecting rack equipment description information from at least one component comprising said rack equipment;

c) storing the rack equipment description information and said rack equipment management plan.

8. (Currently Amended) A rack equipment information coordination system comprising:

a) an equipment description information repository for tracking equipment description information;

b) a management plan information repository for tracking rack equipment management plan information, wherein said rack equipment management plan information is used for managing rack equipment while said rack equipment is in

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operation and is configured for directing a change in operating characteristics of said rack equipment; and

c) a coordination component for coordinating said equipment description information and said rack equipment management plan information.

Note: that it appears that independent claim 8 is an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, in an apparatus claim, i.e. the phrase "for tracking rack equipment managing plan information, and for coordinating ...plan information" in claim 8, is considered as intended use limitation for the system/device "repository/database", and thus having no patentable weight.

Note: for convenience, letters (a)-(c) are added to the beginning of each step of the independent claims.

Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7 are reject under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter. With respect to claims 1-7, the claim language does not transform the underlying subject matter and the process is not tied to another statutory class. The process steps of *formulating a rack equipment management plan, detecting rack equipment description information, and storing the rack equipment description information* is not tied to another statutory class, such as an apparatus, and thus, the claims are directed to nonstatutory subject matter.

Here claims 1-7 fail to meet the above requirements since there is not a sufficient tie to another statutory class (2) transformation, and thus is directed to nonstatutory subject matter. Insertion of the use of another statutory class (computer) such as “computer-implemented” or “using a computer” features in the preamble and the critical functions/bodies of the claims would overcome the rejections.

Claims 8-16 are rejected under 35 U.S.C. 101 because the claims deal with a rack equipment information system containing 3 items: 2 information repository and a coordination component, and these appear to be software components and do not meet any of the statutory items such as process (method), machine (apparatus), manufacture (product) or composition. The system claims appear to be an apparatus claim in a preamble "*a rack equipment information system*", however, there are no normal structures or functional elements which are required in an apparatus claim. For instant, the independent 8 recited "*an equipment description information repository, a management plan information repository, a coordination component*" are appear to be software. Therefore, the claims are directed to nonstatutory subject matter.

As shown in *Ex Parte Atkin*, (BPAI 2009), The term "system" in the preamble is broad enough to read on a method and thus does not imply the presence of any apparatus. Although the body of the claim recites a "label definer," an "inferencer," and a "character reordered," those recitations fail to serve as structural limitations because (1) they are not "means" recitations subject to interpretation under 35 U.S.C. § 112, sixth paragraph, and (2) they would not have been understood in the art as implying any particular structure. Similarly, the terms "an equipment description information repository", "a management plan information repository" and " a coordination component" in claims 8-16, fail to serve as structural limitations because (1) they are not "means" recitations subject to interpretation under

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35 U.S.C. § 112, sixth paragraph, and (2) they would not have been understood in the art as implying any particular structure.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) {pars. 004-0007} in view of O'KANE, JR. ET AL. (US 6,366,919).

5. As for independent (method) claim 1, AAPA discloses rack equipment management information coordination method comprising:

a) formulating a rack equipment management plan, wherein said rack equipment management plan is a plan for managing rack equipment operating characteristic while said rack equipment is in operation

{see pars. 0006-0007 discloses "correlating rack equipment information associated with operational management"}

b) detecting rack equipment description information from at least one component comprising said rack equipment;

{see pars. 0005-0007 disclose tracking and the operational information of the rack equipment description information}.

AAPA discloses all the limitation indicated above except for the additional feature "automatically" detecting equipment (step b); and storing these data/information about the rack equipment (step c).

In the similar method of tracking/detecting/monitoring the rack equipment/rack of telecommunication equipment for maintaining, repairing, configuration the equipment as need change to improve the operation of the telecommunication business, O'KANE, JR. ET AL disclose "*automatically monitored* the telecommunication equipment e.g. the rack servers 94.1 -94.4 which comprise communication equipment 100 such as power supply, power distribution panel); the central computer 22 is *automatically* determining and monitoring the equipment 100 in the racks 94 exceeds the maximum allowable power load on the power supplies and back up batteries 106 {see col. 1, lines 25-46; figures 1 and 5; col. 6, lines 15-30, lines 40-53}; and the databases for storing the rack of telecommunication equipment information in the database {see figures 1, 7, 11-13; col. 4, lines 4-9; col. 7, lines 64-67; col. 8, lines 1-35. O' KANE, JR. ET AL shows the benefits of "*managingwhich enable remote maintenance and reconfiguring of existing equipmentdesired is a system which tracks and updates the content, arrangement, configuration, ...maintenance.*" {see col. 1, lines 39-45}. It would have been obvious to one of ordinary skill in the art to provide the method of AAPA to include the feature of automatically detecting and storing information about the rack of telecommunication equipment as taught by O'KANE, JR. ET AL for the benefits cited above.

As for claims 2-3, which deal with the retrieving performance level setting from the rack equipment, e.g. wattage setting; this is fairly taught in O'KANE, JR. ET AL, see figures 11-13.

As for claims 4-5, which deals with the information or guidelines e.g. power and thermal budge guidelines about the rack equipment management plan, this is fairly taught in AAPA, see par. 0006.

As for claim 6, which deals with the interfacing with a service agreement application for formulating the rack equipment plan, this is fairly taught in O'KANE, JR. ET AL {see figures 3, 6 col. 14-27 e.g. CAD drawing”}

As for claim 7, which deals with integrating said rack equipment description information with said rack equipment management plan, this is fairly taught in AAPA pars. 0005-0006}.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 8-16, 17- 20 are rejected under 35 U.S.C. 102(b) as being anticipated by O' KANE, JR. ET AL (US 6,366,919)

As for claim 8, O'KANE, JR. ET AL disclose a rack equipment information coordination system comprising:

- a) an equipment description information repository,
{see figure 1, database 26, 302 "*communication equipment is stored*"}
- b) a management plan information repository,
{see figure 1, at least databases 30 and 32},
- c) a coordination component [for coordinating said equipment description information and said rack equipment management plan information]

{see figures 1, 2, 3, 5, 10 and 11, col. 2, lines 33-40, col. 9 lines 1-27 disclose a databases of components representing various telecommunication equipment, and col. 8, lines 66-67, col. 9 lines 1-27 disclose the CAD application for configuring and generating the rack images in the databases}.

Furthermore, it appears that these limitations such as wherein said rack equipment management plan information is used for managing rack equipment while said rack equipment is in operation and is configured for directing a change in operating characteristic of said rack equipment" are also taught in O' KANE, JR. ET AL {see col. 7, lines 13-27, figures 6A " rack configuration, maintain and update" O'KANE, JR. ET AL disclose the management system for maintaining and updating/changing the rack of telecommunication equipment}

As for claims 9-14 which deal with the information e.g. characteristics of rack equipment support equipment, possible operation settings of rack equipment, operating power levels and heat level, performance level information, guideline information, trigger event and management objective which are stored in the repository/database, this is taught in O'KANE, JR. ET AL, {see figures 1, 7, 11-12, col. 3, lines 60-67, col. 4, lines 1-10, col. 8-10, col. 9, lines 50-67}.

Furthermore, the "the information/datat" have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have otherwise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for claim 15, which deal with the coordination component provides a correlation between policies associated with a particular client and rack equipment implementing the client's application, this is taught in O'KANE, JR. ET AL {see figure 13, col. 3, lines 45-47, col. 8, lines 66-67, col. 9, lines 1-28, disclose the configuration and generating the rack equipment images using the CAD application}

As for claim 16, O'KANE, JR. ET AL disclose further comprising:

a repository management component for managing information flow to and from said equipment description information repository and said management plan information repository;

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{see figures 1, col. 3, lines 50-67, col. 4, lines 1-10, and lines 33-39 O'KANE, JR. ET AL disclose the management system databases for managing and maintaining the rack of telecommunication equipment and management information}

a communication link for communicating information to and from said repository management component {see figures 1, 4, network link 24, col. 3, lines 60-67}.

Note: the system claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Cir. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, in an apparatus claim, i.e. the phrase "for managing and for communicating" in claim 8 is considered as intended use limitation for the system/device "repository/database", and thus having no patentable weight.

As for claim 17, O'KANE, JR. ET AL disclose a computer system comprising:

a) a means for communicating rack equipment related information [for managing rack equipment while said rack equipment is in operation],

{see figures 1, 2, 5, 10 and 11, col. 3, lines 50-67, and lines 55-60 and col. 8, lines 1-10, O'KANE, JR. ET AL disclose a communication device in the *computer 22 to communicate with various databases* which stored the information related to the rack telecommunication equipment and for monitoring, determining the rack to be installed from the telecommunication cites, e.g. *equipment power requirement, performance capabilities, data relevant to racks such as sizes, and shape*}.

b) a means for storing said rack equipment related information and instructions [for implementing rack equipment information coordination]

{see figures 1, 2, 3, 5, 10 and 11, col. 3, lines 50-67, col. disclose a communication device in the *computer 22 to communicate with various databases* which stored the information related to the rack equipment, e.g. *equipment power requirement, performance capabilities, data relevant to racks such as sizes, and shape*}.

c) a means for processing information and instructions, wherein said means [for processing information and instructions is configured for processing said instructions and for managing operating characteristics of said rack equipment, and is configured for processing information for managing said rack equipment information coordination]

{see col. 1, lines 16-23, col. 39-46, col. 2, lines 33-37, and col. 2, lines 55-60; at least figures 1, 5, 6A, 10 and 11, disclose the system for managing telecommunication

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sites/equipment and the rack of telecommunication equipment which enable remote maintenance and reconfiguration of existing equipment

Note: that the [...] is used to indicate intended use which has no patentable weight.

As for claim 18, O'KANE, JR. ET AL disclose further comprising:

a) a rack equipment description retrieval module for controlling automatic retrieval of rack equipment description information {see figure 1, at least database 32, which stores telecommunication equipment in racks and data relevant to the racks}

b) a rack equipment management plan module for directing establishment of a rack equipment management plan {see figure 1, 6A, 11, and 13; col. 5, lines 35-59 "design and modify and develop telecommunication site];

c) a rack equipment correlation module for providing correlation instructions to a correlation component {see figures 1, 2, 6A, 10-11}

d) an instruction saving module for directing rack equipment description information and the rack equipment management plan information saving operations {see figure 1}

Note: the system claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ.

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1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, in an apparatus claim, i.e. the phrase "for controlling...; for directing....; for providing...." in claim 18 is considered as intended use limitation for the system/device "module", and thus having no patentable weight.

As for claim 19, which deal with the rack equipment management plan module facilitates determination of rack equipment management objectives, this is taught in O'KANE, JR. ET AL {see figures 6A, and 13}

As for claim 20, which deals with rack equipment management information coordination, is utilized to support a variety of rack equipment management objectives {see figures 1, 6A and 13}.

8. Claims 8-16, 17-20 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over O'KANE, JR. ET AL. (US 6,366,919) in view of Applicant Admitted Prior Art (AAPA) {pars. 004-0007} or vice versa.

As for independent claim 8, the teaching of O' KANE, JR. ET AL is cited above. AAPA is cited to show an equipment management information system wherein the equipment is about rack equipment. It would have been obvious to modify the system of O' KANE, JR. ET AL by using other equipment type such as rack equipment as taught by AAPA as mere applying the same information management to other similar equipment.

Alternatively, the teachings of AAPA is cited above. It would have been obvious to modify the manual equipment management information system of AAPA by using the computer automatic equipment management information system of O' KANE, JR. ET AL for the benefits of "*managingwhich enable remote maintenance and reconfiguring of existing equipmentdesired is a system which tracks and updates the content, arrangement, configuration, ...maintenance.*" {see col. 1, lines 39-45}.

As for dep. claims 9-16, they are rejected for the same reasons set forth above to avoid duplicate rejections.

As for independent claim 17, which has similar scope to independent system claim 8 above, it's rejected for the same reason set forth in the rejection of claim 8 above.

As for dep. claims 18-20, they are rejected for the same reasons set forth above to avoid duplicate rejections.

Response to Arguments

9. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

As for the arguments on the 101 rejection, Applicant stated that the features recited in the independent claims 1, 8 and 17 satisfy the requirements for a useful and tangible result and thus qualify as statutory subject matter as directed by the MPEP. The Examiner respectfully disagrees for the following reasons:

1) As for the method claims 1-7, as indicated above under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, see *In re Bilski*, 545 F. 3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008), the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter. With respect to claims 1-7, the claim language does not transform the underlying subject matter and the process is not tied to another statutory class. The process steps of *formulating a rack equipment management plan, detecting rack equipment description information, and storing the rack equipment description information* is not tied to another statutory class, such as an apparatus, and thus, the claims are directed to nonstatutory subject matter.

Here claims 1-7 fail to meet the above requirements since there is not a sufficient tie to another statutory class (2) transformation, and thus is directed to nonstatutory subject matter. Insertion of the use of another statutory class (computer) such as “computer-implemented” or “using a computer” features in the preamble and the critical functions/bodies of the claims is recommended.

2) As for the system claims 8-16, as indicated above, the system claims appear to be an apparatus claim in a preamble “*a rack equipment information system*”, however, there are no normal structures or functional elements which are required in an

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apparatus claim. For instant, the independent 8 recited "*an equipment description information repository, a management plan information repository, a coordination component*" are appear to be software. Therefore, the claims are directed to nonstatutory subject matter.

As shown in *Ex Parte Atkin*, (BPAI 2009), The term "system" in the preamble is broad enough to read on a method and thus does not imply the presence of any apparatus. Although the body of the claim recites a "label definer," an "inferencer," and a "character reorderer," those recitations fail to serve as structural limitations because (1) they are not "means" recitations subject to interpretation under 35 U.S.C. § 112, sixth paragraph, and (2) they would not have been understood in the art as implying any particular structure. Similarly, the terms "an equipment description information repository", "a management plan information repository" and " a coordination component" in claims 8-16, fail to serve as structural limitations because (1) they are not "means" recitations subject to interpretation under 35 U.S.C. § 112, sixth paragraph, and (2) they would not have been understood in the art as implying any particular structure.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ThuyVi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
2/16/09